

- IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

4. Affiant's personal viewing of the advertisements on the O'Hare boards and kiosks is performed at various times during the day, to and including weekends.

5. Affiant would frequently conducts her viewing of the boards and kiosks at O'Hare during heavy travel time to assess the appearance of the boards and kiosks; the appearance of American Taxi's advertisement on the boards and kiosks; the appearance and identity of other entities or businesses appearing on the boards and kiosks advertising taxi and limousine transportation services; customer interaction with the boards and kiosks; and interacting with customers selecting American Taxi to determine, among other matters, use of boards and kiosks, ease of use of the headsets and telephones affixed to the boards and kiosks, and such other matters germane to the customer satisfaction and customer service.

6. On or about early April 2007, Affiant became aware of an entity known as American Metro Taxi & Limo after seeing an advertisement for this company on the O'Hare boards and kiosks, the same boards and kiosks upon which American Taxi advertised.

7. Over the course of the ensuing months, Affiant personally observed at O'Hare, customers and travelers using the O'Hare boards and kiosks comment that they did not know which "American Taxi" they were to use. Moreover, Affiant personally observed these travelers and customers select the advertising screens for both American taxi and American Metro Taxi & Limo. Affiant personally observed travelers and customers selecting the screens for both American Taxi and American Metro Taxi & Limo, further commenting that they were "unsure" which American Taxi they were to select.

8. On May 23, 2007, Affiant personally spoke with a traveler, identified as John Paul Ouellette, Kubota Canada, Ltd., at O'Hare using the O'Hare boards and kiosks who stated to Affiant that he was confused as to which "American Taxi" to select when he viewed the American Taxi advertisement and the American Metro Taxi & Limo advertisement. Mr. Ouellette stated he was looking for American Taxi but was confused by the American Metro Taxi's advertisement and name.

9. As Advertising Manager, on occasion Affiant would receive letters, telephone calls and complaints by customers believing that they had received a ride from a taxi dispatched by American Taxi. Affiant specifically recalls several complaints concerning customers who engaged American Metro Taxi at O'Hare believing that they had engaged American Taxi. These complaints concerned dirty appearance of the cars, poor quality service or overcharging by the driver. Affiant, as well as other staff of American Taxi, would deal with and respond to these complaints and concerns of customers.

10. Customers and potential customers of American Taxi remain confused by the similarity in American Taxi's name and the name used by American Metro Taxi & Limo. On August 7, 2008, Edmund P. Backus, a New York resident and traveler at O'Hare, wrote a letter to American Taxi complaining that he was overcharged by cab having been dispatched by American Taxi. A true and correct copy of this letter is attached hereto. American Taxi received this letter in the ordinary course of its business and retains such for purposes of addressing and responding to the customer complaint. Believing he had engaged American Taxi and believing he was overcharged, Mr. Backus wrote to American Taxi and similarly carbon copied the manager at the Marriott Hotel,

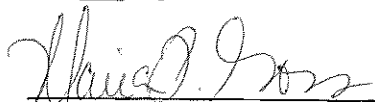
Oakbrook. Mr. Backus' letter further contained a receipt. This receipt indicates Mr. Backus' cab was through American Metro Taxi & Limo, not American Taxi.

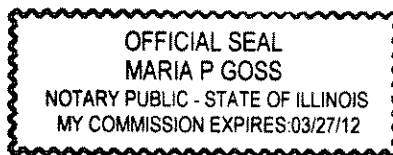
11. Affiant has personal knowledge with respect to the facts set forth herein and if sworn as a witness will testify to those matters set forth herein.

Affiant sayeth further naught.

  
Laurie Buer

Subscribed and sworn to before me,  
this 15 day of October 2008

  
Notary Public



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A.R.D.C. No.: 6202012

August 7, 2008

Dear Sir,

I am contacting you regarding an apparent overcharge for cab fare from O'Hare to Marriott at Oak Brook on 7/24/08 for my wife and me. Here is the situation:

Prior to the trip I contacted Marriott to ask about transportation , upon arrival, from O'Hare to the hotel. I was told to call American Taxi when we were ready to leave the airport. I asked what to expect for the fare and was told \$29.

Upon arrival I called American from the airport phone at the kiosk and requested a cab. They sent one in about 10 minutes. We were taken to Marriott at Oak Brook. When we unloaded I asked how much for the fare and was told \$49. Upon handing the money to the driver I mentioned that I had been told , by Marriott. it would be only \$29 from O'Hare. The driver said nothing and wrote a receipt(copy enclosed). I'm not sure why, but I also tipped him \$6. Afterward I thought maybe it was more than the \$29 because of my wife being a second passenger.

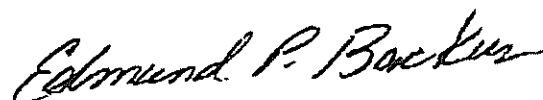
Upon our return trip to O'Hare on 7/28, I asked the clerk at the desk at Marriott to call a cab for us. Again I asked what I should anticipate, and was told \$29. When I asked if that covered two people, she said yes. When the cab(American) came to pick us up, I also asked the driver what the charge would be. He said \$31, as posted on the sticker on the window. When I mentioned what the first guy charged on 7/24, he said that was wrong for him to charge that amount.

Upon returning home I checked Marriott Oak Brook's web page to see if there was any other information related to this issue. Under "Transportation", American Taxi is listed with their phone number, and the fare from O'Hare to the hotel is noted as \$27...not \$49!

Consequently, I am contacting you to request a refund of \$18 (\$49-31). Disregard any adjustment for the tip. Please send a check to the address noted below.

I appreciate you correcting the overcharge by this driver (Mark, as noted on the receipt). I am also contacting Marriott, since they seem to have an arrangement for on- premises service by American, and I'm sure would also expect this to be corrected. Thank you.

Sincerely,



Edmund P. Backus

125 N. Rainbow Shores  
Pulaski, NY 13142  
315-750-8248

Cc: Manager, Marriott at Oakbrook



A  
AMERICAN METRO  
TAXI & LIMO

Toll Free 866-571-8294 Tel: 630-671-0164

Time \_\_\_\_\_ Date 7/24/08

Received From \_\_\_\_\_

Cab Fare From O'H

To Oak Brook

Driver Mark

Cab No. 53 Amount 49

Thank you for your patronage